

Application Number 10/587,801
AMENDMENT of October 28, 2011
Second Response to Office Action of April 28, 2011

REMARKS/ARGUMENT

This second amendment responds under 37 C.F.R. § 1.116 to the Office Action of April 28, 2011.

Claims 25 and 26 are pending in the application. Claims 1 through 24 are canceled. Claim 25 is currently amended, and new claim 26 is added. Entry of these amendments is requested as it is believed they put the application in condition for allowance or in better condition for appeal.

Objection to Claims Dependent on a Rejected Claim

In an Advisory Action of October 6, 2011, the Examiner stated:

Claims 24 and 25 have been amended to a specific combination of the two tested compounds at a specific ratio as set forth in specification Example 1 (pages 12-13). Based on the additive method of evaluating the mixture data, amended claims 24-25 are not included in the obviousness ground of rejection, *supra*, because the evidence of nonobviousness outweighs the evidence of obviousness with respect to these claims – but because claims 24-25 are dependent on a rejected claim, they must be objected to.

In order to overcome this objection, former claim 24 is canceled, and new claim 26 is presented in its place. Thus, new claim 26 is former claim 24 rewritten in independent form including the features of all intervening claims. Further, claim 25 is amended to be dependent upon new independent claim 26. All the other claims in the application are canceled without prejudice to the Applicants' rights.

Accordingly, it is requested that the above-described objection be withdrawn.

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In view of the foregoing, it is submitted that this application is in condition for allowance.

Favorable consideration is requested.

Respectfully submitted,



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